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resolution 16/21**

Democratic People's Republic of Korea

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the United Nations High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.

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I. Background and framework

A. Scope of international obligations¹

International human rights treaties²

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICESCR (1981)	CRPD (signature only)	ICERD
	ICCPR (1981)		ICCPR-OP 2
	CEDAW (2001)		CAT
	CRC (1990)		OP-CAT OP-CRC-AC OP-CRC-SC ICRMW CRPD (signature only) CPED
<i>Reservations, declarations and/or understandings</i>	ICCPR (Notice of withdrawal) ³ CEDAW (reservations, arts. 2 (f), 9 (2) and 29 (1), 2001)		
<i>Complaint procedures, inquiry and urgent action⁴</i>	ICERD OP-ICESCR ICCPR, art. 41 ICCPR-OP 1 OP-CEDAW CAT OP-CRC-IC ICRMW OP-CRPD CPED		

Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Convention on the Prevention and Punishment of the Crime of Genocide Geneva Conventions of 12 August		Rome Statute of the International Criminal Court

<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
1949 and Additional Protocol I ⁵		Palermo Protocol⁶ Conventions on refugees and stateless persons⁷ Additional Protocols II and III to the 1949 Geneva Conventions⁸ ILO fundamental conventions⁹ ILO Conventions Nos. 169 and 189¹⁰ UNESCO Convention against Discrimination in Education

1. The Secretary-General recalled recommendations by treaty bodies that the Democratic People's Republic of Korea consider joining the International Labour Organization, with a view to ratifying Conventions No. 182 concerning the Worst Forms of Child Labour and No. 138 concerning the Minimum Age for Admission to Employment.¹¹

B. Constitutional and legislative framework

2. The Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea ("the Special Rapporteur") noted that in the 2009 reform of the Constitution, the words "human rights" had been inserted into the text. However, he added, the country's notion of human rights was much related to the protection of the elite and the rejection of external threats, rather than the human-centric notion of universal human rights.¹²

3. The Secretary-General observed that there were limited provisions in the Constitution addressing the specific needs of women and children, as provided for under the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).¹³

4. The Special Rapporteur noted that a number of provisions in the Criminal Code fell below the standard required to ensure due process of law. He highlighted: that the definition of "labour training" and "training detention facilities" remained unclear; that the possibility of a broad interpretation of the category of "political crime" remained; and that "crimes by association" were maintained in several parts of the Criminal Code. Additionally, he noted that similar vague terms, such as "extremely grave crime" and "reform through labour", were contained in an addendum to the Criminal Code, which was adopted in 2007.¹⁴ The Secretary General expressed similar concerns.¹⁵

5. The Special Rapporteur recalled that in 1987 the Democratic People's Republic of Korea had made revisions to its Criminal Code, and had reduced the number of crimes punishable by death from 33 to 5.¹⁶ However, in 2007 the country adopted a law entitled "addendum to the Criminal Code for ordinary crimes", which had functioned as a complement to the Criminal Code, and carried the same weight as other provisions of that Code. The addendum comprised a total of 23 articles, of which 16 stipulated the death penalty for a number of crimes. He noted that the addendum contained a number of vague

expressions which left room for arbitrary decisions and permitted the application of capital punishment for various crimes as long as the authorities were able to establish that the crime in question was "extremely serious" and fell under one of the 16 listed crimes.¹⁷

6. The Special Rapporteur stated that specific legislation to deal with all forms of violence against women and accompanying prevention and protection measures for victims was lacking¹⁸ and recommended that the country adopt specific legislation on domestic violence.¹⁹

C. Institutional and human rights infrastructure and policy measures

Status of national human rights institutions²⁰

7. As of 31 October 2013, the Democratic People's Republic of Korea does not have a national human rights institution accredited by the International Coordinating Committee for National Human Rights Institutions.²¹

II. Cooperation with human rights mechanisms

8. The Secretary-General called upon the Government to follow up on the recommendations of the universal periodic review by clarifying which recommendations it supported and by providing information on measures taken to implement recommendations.²²

9. In 2013, the United Nations High Commissioner for Human Rights ("the High Commissioner") noted that the Government had persistently refused to cooperate with successive Special Rapporteurs and with her Office and stated that for this reason, and because of the enduring gravity of the situation, an in-depth inquiry was long overdue.²³

10. In 2013, the Human Rights Council adopted resolution 22/13, by which it established a commission of inquiry to investigate the systematic, widespread and grave violations of human rights in the Democratic People's Republic of Korea,²⁴ reinforcing the message sent by the General Assembly on 20 December 2012, when, for the first time, it adopted, without a vote, a resolution on the human rights situation in that country (resolution 67/181).²⁵ The Secretary-General noted that, in May 2013, the Permanent Representative of the Democratic People's Republic of Korea reiterated that his country neither recognized nor accepted the "resolutions" adopted by the Human Rights Council and the "Special Rapporteur" and totally and categorically rejected the Commission of Inquiry.²⁶ The Secretary-General urged the Government to fully cooperate with the Special Rapporteur and the Commission.²⁷

11. In 2013, the Commission of Inquiry indicated that the Democratic People's Republic of Korea had so far not cooperated with the Commission, which remained available to visit the country and engage in dialogue. Lacking access, the Commission had conducted public hearings involving victims and witnesses in several other countries.²⁸

A. Cooperation with treaty bodies²⁹**1. Reporting status**

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CESCR	November 2003	–	–	Third report overdue since 2008
HR Committee	July 2001	–	–	Third report overdue since 2004
CEDAW	July 2005	–	–	Second report overdue since 2006
CRC	January 2009	–	–	Fifth report overdue since 2012

12. In several reports, the Secretary-General encouraged the Government to submit outstanding reports on the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).³⁰

B. Cooperation with special procedures³¹

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	No	No
<i>Visits undertaken</i>	–	–
<i>Visits agreed to in principle</i>	–	–
<i>Visits requested</i>	The Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea requested visits in 2004, 2005, 2006, 2007 and 2009. The Special Rapporteur on the right to food requested visits in 2003 and 2009.	The Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea requested visits in 2010 and 2011, 2012 and 2013.
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review four communications were sent. The Government replied to one communication.	

13. The Special Rapporteur offered to provide assistance in improving the human rights situation³² and urged the Government to cooperate with his mandate.³³ The Secretary-General urged the Government to cooperate with the Special Rapporteur and thematic special procedures³⁴ and to provide access so that they could observe the human rights situation in the country.³⁵

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

14. The Secretary-General strongly encouraged the Government to cooperate with all the United Nations human rights mechanisms and to engage with OHCHR and avail itself

of the Office's expertise to improve the human rights situation and amend national legislation to ensure its compatibility with international human rights standards.³⁶

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

15. In 2013, the Special Rapporteur undertook a comprehensive review of United Nations documentation and resolutions on the situation of human rights in the Democratic People's Republic of Korea since 2004,³⁷ leading to the identification of nine key inter-linked issues or patterns of violations of human rights that the United Nations had focused on:³⁸ violation of the right to food;³⁹ torture and other cruel, inhuman and degrading treatment or punishment;⁴⁰ arbitrary detention and the lack of rule of law;⁴¹ violations of human rights associated with prison camps;⁴² discrimination and the disproportionate or specific effect of human rights violations on vulnerable groups;⁴³ extensive violation of freedom of expression and related freedoms;⁴⁴ violation of the right to life, in particular the abusive application of the death penalty and the use of public executions;⁴⁵ restrictions on freedom of movement and abusive treatment of citizens forcibly returned;⁴⁶ and enforced disappearances, including in the form of abductions of foreign nationals.⁴⁷

16. The Special Rapporteur expressed the view that many, if not all, of the nine patterns of violation identified may amount to crimes against humanity under article 7 of the Rome Statute of the International Criminal Court.⁴⁸

A. Equality and non-discrimination

17. The Special Rapporteur observed that, despite guarantees of gender equality in the Constitution, there were various discrepancies disadvantaging women in the country. He noted that their participation in earning a livelihood had been constrained by various measures imposed by the authorities as part of the clampdown on the market system, which included the prohibition on trading by women under a certain age.⁴⁹

18. The Special Rapporteur indicated that the social structure in the country revolved around the official *songbun* structure, under which there were three groups, usually known as "core", "wavering" and "hostile" classes.⁵⁰ He noted that the Government classified the population according to a system of loyalty, which resulted in unequal access to food, housing, medical care and employment and education opportunities. The two categories of citizens who suffered the most from that system were those classified as the "hostile" and the "wavering" classes. Members of the "hostile" class faced the greatest number of restrictions and could not live in Pyongyang or other major cities or be admitted to colleges or universities.⁵¹

19. The General Assembly, in its 2011 and 2012 resolutions, addressed the specific vulnerability of children, in particular the continued lack of access to basic economic, social and cultural rights. In those resolutions, the Assembly pointed to the particular vulnerability of repatriated children, street children, children with disabilities, children whose parents were detained, and children living in detention or in institutions or in conflict with the law.⁵²

B. Right to life, liberty and security of the person

20. The High Commissioner stated that the death penalty seemed often to be applied for minor offences and after inadequate judicial processes, or sometimes without any judicial process at all.⁵³ In 2013, several special procedures mandate holders stated that the high-profile execution of a senior official, with a total disregard for due process, was just one among multiple executions reported in the country since August. Reports of public executions in different locations, in particular during recent months, were noted.⁵⁴ The Special Rapporteur recommended that the Government adopt a moratorium on capital punishment and put an end to public executions.⁵⁵

21. The High Commissioner stated that there was an urgent need to clarify the fate of the many persons from neighbouring countries abducted over the years, as well as of the civilians taken to the North during the Korean War, and to seek truth, justice and redress for their long-suffering families.⁵⁶ The Special Rapporteur was concerned that no progress had been made in resolving the question of the abduction of foreign nationals, noting that some 500 unresolved cases had been reported.⁵⁷

22. In 2013, the Working Group on Enforced or Involuntary Disappearances noted that, since its establishment, it had transmitted 20 cases to the Government and that all remained outstanding⁵⁸ as the information provided by the Government was not considered sufficient to clarify those cases.⁵⁹

23. The Special Rapporteur observed that there were four types of basic punishment: the death penalty, an unlimited term of correctional labour, a limited term of correctional labour and labour training. Convicts sentenced to unlimited or limited correctional labour were detained in correctional centres (*kyohwaso*) and underwent "corrections" through labour. Those sentenced to correctional punishment would be detained in the Correctional Bureau of the Ministry of People's Security.⁶⁰ He noted claims that human rights abuses, including deaths, were rampant inside correctional centres.⁶¹

24. The Special Rapporteur also indicated that a number of "political concentration camps" (*kwan-li-so*) were reported to be operating.⁶² In 2012, several special procedures mandate holders transmitted a general allegation to the Government concerning the alleged use of camps, known as *kwan-li-so*, for political prisoners. They noted reports that prisoners detained at those camps were not given a trial, and were held incommunicado without notice of the charges against them, or information on the length or place of detention.⁶³

25. The Commission of Inquiry indicated that satellite images obtained indicated that at least four political prison camps remained fully operational. It noted that in recent years a fifth camp had apparently been significantly downsized and another camp closed. The Commission would seek to establish whether the prisoners of these two camps had been transferred or released, or had died.⁶⁴

26. The High Commissioner stated that the camp system involved rampant violations, including torture and other forms of cruel and inhumane treatment, summary executions, rape, slave labour and forms of collective punishment that may amount to crimes against humanity. Living conditions in the camps were reported to be atrocious, with totally insufficient food supplies, little or no medical care and inadequate clothing.⁶⁵

27. The Special Rapporteur indicated that one particularly worrying practice was detention due to guilt by association: when a person was punished for a political or ideological crime, members of his or her family were also punished.⁶⁶ The Working Group on Arbitrary Detention, in two opinions regarding allegations of the detention of six individuals because of their family ties to persons who had left the country,⁶⁷ noted the Government's reply⁶⁸ and indicated that, under certain circumstances, widespread or systematic imprisonment or other severe deprivation of liberty in violation of the

fundamental rules of international law may constitute crimes against humanity.⁶⁹ The Special Rapporteur called on the Government to release political prisoners, particularly those whose imprisonment was based on their association with their relatives, and invite independent international organizations to visit so as to assess and monitor prison conditions and recommend reforms to the prison system.⁷⁰

28. In 2013, the Commission of Inquiry noted in a press release that women were at the centre of the testimony presented: they were the victims of the worst abuses: in detention, when they were tortured, sexually assaulted and raped; when they fended for their families suffering the effects of food shortages, by taking dangerous routes to illegally cross into a third country to find ways to feed their children.⁷¹ The Special Rapporteur noted information regarding the treatment of women in detention, and the practice of forced abortion and infanticide.⁷²

29. The Special Rapporteur noted reports that husbands often threatened their wives physically if they did not respect or obey them. There was a perception that domestic violence was not a crime and that the State should not intervene in private family matters.⁷³ Violence against women was reported to be pervasive in workplaces and local communities.⁷⁴

C. Administration of justice, including impunity, and the rule of law

30. The Special Rapporteur indicated that the justice system was subservient to the State, and judges, prosecutors, lawyers and juries were part of the State machinery. Thus independence of the judiciary and safeguards for the accused were lacking.⁷⁵ The Secretary-General stated that remedies were hampered by the lack of independence of judicial organs.⁷⁶

31. The Special Rapporteur indicated that, as the court system currently stood, the Central Court was accountable to the Supreme People's Assembly, pursuant to article 162 of the Criminal Code. Furthermore, article 129 of the Criminal Code made judges subject to criminal liability for handing down "unjust judgements". The Special Rapporteur expressed the belief that the need to maintain the separation of powers, as required by article 14.1 of ICCPR, was compromised.⁷⁷

32. The Special Rapporteur recommended that the Government act against the impunity of those responsible for the violence and violations by permitting means of effective redress at the national and local levels.⁷⁸

D. Right to privacy, marriage and family life

33. The High Commissioner observed that, six decades after the war, the plight of the tens of thousands of families separated by the conflict in the Korean Peninsula remained largely unresolved.⁷⁹ The Special Rapporteur called on the Governments of the Republic of Korea and the Democratic People's Republic of Korea to explore the possibility of setting up an additional mechanism, more robust than the current process, for addressing the problem of separated families.⁸⁰

34. The United Nations country team in the Democratic People's Republic of Korea (UNCT) noted that it was widely understood and commonly believed that the Government had an elaborate and sophisticated system of surveillance in place to systematically monitor and control people's behaviour and activities.⁸¹

E. Freedom of movement

35. UNCT observed that the Constitution gave the people the freedom to reside and travel as they chose. However, in practice, that did not appear to be the case as people's movement was fairly limited and restricted. While movement restrictions in and out of the capital, Pyongyang, were strictly enforced, it was not clear if such restrictions were applied in other parts of the country.⁸²

36. The Special Rapporteur noted that it was a criminal offence for citizens to leave the country without permission. Article 62 of the Criminal Code banned citizens from travelling to another country without State permission. He noted numerous reports and testimonies of persons being sentenced to up to five years in a prison camp, and sometimes to death, for leaving the country without permission.⁸³

37. In 2013, the Special Rapporteur indicated a notable trend toward tightened border control and harsher punishment of those fleeing the country. He stated that reports suggested that the new Government had enacted a shoot-on-sight decree to crack down on unauthorized crossing of the northern border. That, together with the increased number of incidents of refoulement, partly explained the significant decrease in the number of individuals who had reached a neighbouring country since 2012.⁸⁴ He called on the Government to share information on the status and treatment of persons who had been returned to the country.⁸⁵

F. Freedom of religion or belief, expression, association and peaceful assembly, and the right to participate in public and political life

38. The Special Rapporteur noted that the authorities claimed that religious freedom was enjoyed in the country. He observed nonetheless that such claims were contradicted by other sources which indicated persecution of religious movements, as the latter were seen as competing with the personality cult of the leader.⁸⁶

39. UNCT stated that it had not observed any signs, as compared with the previous universal periodic review exercise in 2009, that indicated any improvements in the freedom of expression/speech.⁸⁷

40. The Special Rapporteur was concerned by reports that the authorities continued to impose severe restrictions on the rights to freedom of opinion, expression and assembly, despite constitutional guarantees of those rights.⁸⁸ He noted that the provisions of the Press Law were not in line with a State party's obligation under ICCPR. He indicated that article 48 of the Press Law empowered the State to criminalize any statement, publication, news or article critical of the State or its organs. When the Government further amended the Criminal Code in April 2004 to include specific acts that would constitute such crimes, it included listening to broadcasts from a neighbouring country; collecting, possessing and circulating printed matter from a neighbouring country; and spreading unfounded rumours.⁸⁹

41. The Special Rapporteur indicated that while cell phones were allowed in the capital, their use near the border was prohibited. Radio sets were pre-tuned to government programmes and it was forbidden to view videos from other countries or to own computers without permission. There were special squads which raided homes to search for illegal materials from other countries, and neighbours/communities were encouraged to inform on each other.⁹⁰ UNCT indicated that access to sources of information other than the State was extremely restricted. It added that in general and official terms, foreigners were still kept at a controlled distance from the local population.⁹¹

42. The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged the Government to initiate the introduction of a freedom of information law, in accordance with international standards.⁹²

43. The Secretary-General was concerned about the restrictions placed on public meetings and demonstrations.⁹³ UNCT noted that those few demonstrations that occasionally took place were government organized, typically against outside "aggressors".⁹⁴

44. The Secretary-General stated that the fact that no regulations or legislation existed to govern the creation and registration of political parties was contrary to article 25 of ICCPR and adversely affected the rights of citizens to participate in the conduct of public affairs through freely chosen representatives.⁹⁵

G. Right to work and to just and favourable conditions of work

45. UNCT indicated that in the Democratic People's Republic of Korea, people were believed to have an obligation to work. Forced voluntarism was widely used, and people were used for all sorts of community work. The Constitution stated that the rights and duties of citizens were based on the collectivist principle: "One for all and all for one". The minimum working age in the country was 16 years, and while no small children had been observed to take part in collective community work, adolescents did take part.⁹⁶

46. The Special Rapporteur observed that children at school, particularly middle school, were also forced to work on State projects, such as collective farms, and parents were punished if the children did not contribute.⁹⁷

H. Right to social security and to an adequate standard of living

47. UNCT indicated that the cereal deficit had been more than halved over the past two years, from 1,086,000 metric tons to 507,000 metric tons. In spite of the generally positive trend in cereal production since 2000, the current output level remained well below the plateau of 6 million tonnes achieved in the late 1980s.⁹⁸

48. In a number of reports, the Secretary-General⁹⁹ and the Special Rapporteur¹⁰⁰ highlighted concerns about the food situation in the country.

49. The Special Rapporteur indicated that in 2009, draconian measures had had a negative impact on the general population seeking to make ends meet. The authorities had started to prohibit small plot farming and closed markets where people had previously traded their wares. At the end of the year, the authorities had imposed a currency revaluation in a push to curb the market system.¹⁰¹

50. UNCT noted that the vulnerability of the farming sector was largely due to natural disasters such as droughts, floods and extremely cold winters. The agricultural sector was also struggling with the inadequacy of the farming infrastructure and shortages of essential agricultural inputs such as quality seeds, fertilizer and insecticides/pesticides.¹⁰²

51. UNCT stated that the Government should give priority to a sound policy environment and functioning markets including global integration, as well as public investment, particularly in rural infrastructure.¹⁰³

52. The Special Rapporteur noted that the allocation of limited national resources by the State prioritized militarization under the "military first" policy, which had significant consequences for food security.¹⁰⁴ He reiterated his call to the Government to address the critical food situation in the country and to rethink its approach to the "military first" policy

in order to reallocate enough resources to improve the living standard of the people in the country.¹⁰⁵

53. The Special Rapporteur called on the authorities to address continued food scarcity by taking effective measures, such as revisiting the public distribution system or reallocating financial resources to sectors that benefited the standard of living of the people in general.¹⁰⁶

54. The Special Rapporteur noted that water, sanitation, and hygiene quality and infrastructure and practices related thereto had been deteriorating continuously over many years.¹⁰⁷

I. Right to health

55. UNCT indicated that there had been noticeable progress since the previous universal periodic review in 2009, noting, *inter alia*, the adoption of the Medium Term Strategic Plan for the Development of the Health Sector 2010-2015 and the commitment by the Government to increase domestic health financing.¹⁰⁸

56. UNCT observed that the 2012 National Nutrition Survey found some modest improvements in the nutritional situation of children, with the prevalence of stunting having decreased from 32.3 per cent to 27.9 per cent since 2009.¹⁰⁹ The Secretary-General noted that the 2012 survey found that 1 in 4 children (27.9 per cent) were stunted, with disparities across provinces.¹¹⁰ UNCT also observed that acute malnutrition (wasting) had decreased from 5.2 per cent to 4.0 per cent. Nevertheless, severe acute malnutrition was still almost at the same level, illustrating that underlying causes such as lack of access to essential medicines, to quality water and sanitation or food diversity, were still challenging the health and growth of children.¹¹¹

57. UNCT indicated that despite a number of challenges, the country was on track to achieve Millennium Development Goal (MDG) 4 (reduced child mortality), with an infant mortality rate of 26 per 1,000 live births, an under-five mortality rate of 33 per 1,000 live births and neonatal mortality at 18 per 1,000 live births.¹¹² However UNCT also observed that with the current rate of maternal mortality – 81 per 100,000 births – the country would not be able to achieve its MDG target of 50 per 100,000 live births, despite the fact that almost all deliveries were reportedly attended by skilled personnel.¹¹³ Lack of essential emergency obstetric and neonatal services coupled with the poor quality of reproductive and maternal health services remained a challenge. Moreover, 26 per cent of women of reproductive age were undernourished.¹¹⁴

58. The Secretary-General noted information that undernutrition remained among the major underlying causes of maternal and child mortality and constituted a serious public health problem.¹¹⁵

59. The Special Rapporteur noted that despite some improvements in recent years the current infant mortality and maternal mortality rate were still considerably higher than in the 1990s.¹¹⁶ A factor that had contributed to the worsening health condition of the people was the dire state of the health-care system. The system had faced financial constraints over the past two decades, which had led to a general rundown of the infrastructure.¹¹⁷

60. UNCT noted that a huge gap in essential drugs and equipment persisted. Health care providers needed further training in life-saving interventions, ambulance care and basic laboratory practices; and the country needed to upgrade its own capacities in the local production of essential drugs and equipment in order to reduce chronic dependence on international support.¹¹⁸

J. Right to education

61. UNCT indicated that in 2012, the country had revised its free and compulsory education law by making education compulsory for 12 years rather than the existing 11. It observed that the quality of education did not yet conform to CRC and was overloaded with ideological teachings and indoctrination. School infrastructure was deteriorating, including lack of teaching and learning materials in most of the secondary schools. While there was gender parity in school education, participation of women in higher education was 17 per cent of the total enrolment in general and technical universities. It recommended that the Government provide: 12 years of free and compulsory education of uniform quality across the country; and equal opportunity for women to access higher education on par with men.¹¹⁹ UNCT stated that the country needed to allocate far more resources to maintaining its school infrastructure.¹²⁰ UNESCO encouraged the Government to continue to allocate increased resources to achieving better quality education.¹²¹

62. UNCT indicated that the State needed to review its policy of institutionalized care for certain categories of children and bring it into line with international practices and norms of inclusive education.¹²²

K. Cultural rights

63. UNCT observed that Juche philosophy was also reflected in cultural activities, such as shows presented at circuses, festivals and theatres. In the past two years, there had been a significant increase in the construction of new buildings and entertainment and sports facilities.¹²³

L. Persons with disabilities

64. The Secretary-General noted that a law on the protection of persons with disabilities was adopted in 2003. He noted that the provisions under the Convention on the Rights of Persons with Disabilities (CRPD) were more far-reaching and hoped that they would be studied carefully and adopted by the authorities.¹²⁴ UNCT stated that the signing of CRPD in July 2013 was an improvement towards securing the rights of people with disabilities.¹²⁵ UNCT observed that children with sensory disabilities were educated in special schools which provided education for 9 years instead of 11. Their curriculum placed more emphasis on vocational skills, without any provision of career options.¹²⁶

65. The General Assembly expressed serious concern at continuing reports of violations of the human rights and fundamental freedoms of persons with disabilities, especially the use of collective camps.¹²⁷

M. Migrants, refugees and asylum seekers

66. The Special Rapporteur observed that numerous testimonies referred to deaths, disappearances and imprisonment of asylum seekers before they were able to reach a safe third country, as a result of capture and the high incidence of refoulement.¹²⁸ He noted that individuals who fled the country due to economic hardship might also be refugees *sur place*, persons who become refugees after leaving the country because of a valid fear of persecution upon their return.¹²⁹

N. Right to development and environmental issues

67. UNCT indicated that in adopting its own goals and targets under the MDGs, the Government had distanced itself from any references to the words “poverty” or “hunger”, which made it difficult for the United Nations to assess the scope and scale of poverty and hunger in the country. It was also not clear how far these targets had been enshrined in the country’s national plans or guided overall national development strategy. The Government’s engagement with the United Nations even under their MDG initiatives had been leaning more towards meeting the humanitarian needs of the country than focusing on development imperatives. A key challenge in assessing the country’s progress with regard to the MDGs was lack of verifiable data.¹³⁰

68. The Special Rapporteur highlighted that the resources of the country were misallocated and misused for the elite and the “military first” policy, to the detriment of the populace.¹³¹

69. The Special Rapporteur stated that the Government needed urgently to adopt a robust economic policy guided by human rights principles and aimed at reducing extreme poverty, malnourishment and mortality, and improving the day-to-day life of the people.¹³²

70. The Secretary-General was pleased with the letter of understanding governing the operating conditions of the World Food Programme signed in 2012 and encouraged the Government to continue with similar forms of cooperation in providing access to all humanitarian entities in the country.¹³³

71. UNCT observed that in general, the United Nations system operated under conditions that were constrained by a lack of transparency.¹³⁴ In addition, the non-existent independent contact with the local population remained a huge challenge for the United Nations agencies.¹³⁵ UNCT observed that, although the United Nations and unilateral sanctions imposed clearly excluded humanitarian assistance, they had had an unintended and indirect negative impact on the most vulnerable parts of the population especially in need of United Nations assistance.¹³⁶

72. The Secretary-General was seriously concerned at the funding shortfalls facing the United Nations agencies in carrying out their programmes in the country and appealed to the international community to step up its provision of adequate and sustainable funding for humanitarian assistance efforts.¹³⁷

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Democratic People’s Republic of Korea from the previous cycle (A/HRC/WG.6/6/PRK/2).

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance

³ On 27 August 1997, the Secretary-General received a notification of withdrawal from the Covenant. As the Covenant does not contain a withdrawal provision, the Secretariat of the United Nations forwarded on 23 September 1997 an aide-mémoire to the Government of the Democratic People's Republic of Korea explaining the legal position arising from the above notification. As elaborated in this aide-mémoire, the Secretary-General is of the opinion that a withdrawal from the Covenant would not appear possible unless all States Parties to the Covenant agree with such a withdrawal. The above notification of withdrawal and the aide-mémoire were duly circulated to all States Parties under cover of C.N.467.1997.TREATIES-10 of 12 November 1997 (<http://treaties.un.org/>).

⁴ Individual complaints: ICCPR-OP I, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31; Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13; Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12; Urgent action: CPED, art. 30.

⁵ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁶ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁷ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁸ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁹ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182

concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

- ¹⁰ International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries and Convention No. 189 concerning Decent Work for Domestic Workers.
- ¹¹ A/67/362, para. 20; A/66/343, para. 21. See also A/HRC/13/47, para. 88 (a)(v).
- ¹² A/HRC/13/47, para. 9.
- ¹³ A/66/343, para. 22.
- ¹⁴ A/HRC/19/65, para. 34.
- ¹⁵ A/67/362, para. 16.
- ¹⁶ A/HRC/19/65, para. 35.
- ¹⁷ Ibid., para. 36.
- ¹⁸ A/66/322, para. 52.
- ¹⁹ Ibid., para. 69.
- ²⁰ According to article 5 of the rules of procedure for the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) Sub-Committee on Accreditation, the different classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination), C: No Status (not in compliance with the Paris Principles).
- ²¹ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/23/28, annex.
- ²² A/67/362, para. 61. Also General Assembly resolution 65/225, para. 1 (c).
- ²³ OHCHR press release, "Pillay urges more attention to human rights abuses in North Korea, calls for international inquiry", 14 January 2013, available from: www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12923&LangID=E.
- ²⁴ A/HRC/RES/22/13.
- ²⁵ A/68/319, para. 4.
- ²⁶ A/68/392, para. 18. See also A/65/391, para. 5; A/66/343, para. 31; A/67/362, para. 22.
- ²⁷ A/68/392, para. 65.
- ²⁸ GA/SHC/4080. See also oral update by Michael Kirby, Chair of the Commission of Inquiry on Human Rights at the sixty-eighth session of the General Assembly, 29 October 2013, available from: www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/CommissionInquiryonHRinDPRK.aspx.
- ²⁹ The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child
CMW	Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Committee on the Rights of Persons with Disabilities
CED	Committee on Enforced Disappearances
SPT	Subcommittee on Prevention of Torture
- ³⁰ A/67/362, para. 61; A/66/343, para. 75; and A/65/391, para. 85.
- ³¹ For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
- ³² A/66/322, para. 72. See also A/67/370, para. 3.
- ³³ A/68/319, para. 35.
- ³⁴ A/67/362, para. 59.
- ³⁵ A/66/343, para. 77 and A/65/391, para. 87. See also A/68/392, para. 65.
- ³⁶ A/68/392, para. 67. See also A/67/362, para. 60; A/66/343, para. 76; A/65/391, para. 46.
- ³⁷ A/HRC/22/57, p. 1.
- ³⁸ Ibid., para. 6.
- ³⁹ Ibid., para. 6 (a).

- ⁴⁰ Ibid., para. 6 (b).
⁴¹ Ibid., para. 6 (c).
⁴² Ibid., para. 6 (d).
⁴³ Ibid., para. 6 (e).
⁴⁴ Ibid., para. 6 (f).
⁴⁵ Ibid., para. 6 (g).
⁴⁶ Ibid., para. 6 (h).
⁴⁷ Ibid., para. 6 (i).
⁴⁸ Ibid., para. 25.
⁴⁹ A/HRC/13/47, para. 47.
⁵⁰ A/67/370, para. 59.
⁵¹ Ibid., para. 51.
⁵² General Assembly resolutions 64/175, para. 1 (a)(vii); 65/225, para. 1 (a)(v).
⁵³ OHCHR press release, 14 January 2013, at:
www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12923&LangID=E.
⁵⁴ OHCHR press release "High-profile execution in North Korea is just one among many other cases,"
 UN experts warn", 18 December 2013, available from:
www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14117&LangID=E.
⁵⁵ A/HRC/13/47, para. 88 (a)(ii).
⁵⁶ OHCHR press release, "14 January 2013, available from:
www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12923&LangID=E.
⁵⁷ A/HRC/19/65, para. 41. See also A/HRC/16/58, para. 73.
⁵⁸ A/HRC/22/45, para. 112.
⁵⁹ Ibid., paras. 107-110.
⁶⁰ A/HRC/16/58, para. 52. See also A/HRC/13/47, para. 36.
⁶¹ A/HRC/16/58, para. 53.
⁶² Ibid., para. 54.
⁶³ A/HRC/22/67, p. 114. Also, A/HRC/22/45, para. 106.
⁶⁴ Oral update by the Chair of the Commission of Inquiry on Human Rights, sixty-eighth session of the
 General Assembly, 29 October 2013, available from:
www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/CommissionInquiryonHRinDPRK.aspx.
⁶⁵ OHCHR press release, 14 January 2013, available from:
www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12923&LangID=E.
⁶⁶ A/68/319, para. 24.
⁶⁷ A/HRC/WGAD/2012/4, para. 8, and A/HRC/WGAD/2012/47, para. 7.
⁶⁸ A/HRC/WGAD/2012/4, paras. 15-16, and A/HRC/WGAD/2012/47, para. 10.
⁶⁹ A/HRC/WGAD/2012/4, para. 26; A/HRC/WGAD/2012/47, para. 19.
⁷⁰ A/65/322, para. 71. See also A/67/370, para. 69.
⁷¹ OHCHR press release, "Concludes Washington visit; heads towards analysis of testimony and starts
 considering conclusions: UN Commission on Inquiry on Human Rights in the DPRK wraps up
 Global Tour of public hearings", 1 November 2013, available from:
www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13932&LangID=E.
⁷² A/68/319, para. 32.
⁷³ A/66/322, para. 54.
⁷⁴ Ibid., para. 55.
⁷⁵ A/HRC/13/47, para. 33.
⁷⁶ A/66/343, para. 28.
⁷⁷ A/HRC/19/65, para. 32.
⁷⁸ A/HRC/13/47, para. 88 (b)(viii).
⁷⁹ OHCHR press release, 14 January 2013, available from:
www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12923&LangID=E.
⁸⁰ A/HRC/19/65, para. 57.
⁸¹ UNCT submission to the UPR on the Democratic People's Republic of Korea, 31 October 2013, p. 2.
⁸² Ibid., p. 2.
⁸³ A/68/319, para. 15. See also A/67/370, para. 63.
⁸⁴ Ibid., para. 14.

- ⁸⁵ Ibid., para. 37.
- ⁸⁶ A/HRC/13/47, para. 37.
- ⁸⁷ UNCT submission, p. 3.
- ⁸⁸ A/67/370, para. 23.
- ⁸⁹ A/66/322, para. 49. See also UNESCO submission on the Democratic People's Republic of Korea to the 19th session of the UPR, para. 19.
- ⁹⁰ A/HRC/13/47, para. 35.
- ⁹¹ UNCT submission, p. 3.
- ⁹² UNESCO submission, para. 27.
- ⁹³ A/67/362, para. 15.
- ⁹⁴ UNCT submission, p. 3.
- ⁹⁵ A/67/362, para. 15.
- ⁹⁶ UNCT submission, p. 3.
- ⁹⁷ A/HRC/13/47, para. 53.
- ⁹⁸ UNCT submission, p. 4.
- ⁹⁹ A/65/391, paras. 10-12, 63-71 and 83; A/66/343, paras. 6-7 and 56-61; A/67/362, paras. 4, 10, 36-40, 47-51; A/68/392, paras. 49-56 and 71.
- ¹⁰⁰ A/HRC/13/47, paras. 14-23 and 88 (a) (i); A/HRC/16/58, paras. 9, 26-40 and 70; A/66/322, paras. 21-32 and 66; A/HRC/19/65, paras. 21-29 and 58; A/67/370, paras. 43-44 and 67; A/HRC/22/57, para. 6 (a); A/68/319, paras. 16-19 and 38.
- ¹⁰¹ A/HRC/13/47, para. 21.
- ¹⁰² UNCT submission, p. 4.
- ¹⁰³ Ibid., p. 5.
- ¹⁰⁴ A/68/319, para. 16.
- ¹⁰⁵ Ibid., para. 38.
- ¹⁰⁶ A/HRC/16/58, para. 70.
- ¹⁰⁷ A/66/322, para. 40.
- ¹⁰⁸ UNCT submission, p. 5.
- ¹⁰⁹ Ibid., p. 5.
- ¹¹⁰ A/68/392, para. 45.
- ¹¹¹ UNCT submission, p. 5.
- ¹¹² Ibid., p. 6.
- ¹¹³ Ibid., p. 6.
- ¹¹⁴ Ibid., p. 7.
- ¹¹⁵ A/65/391, para. 67.
- ¹¹⁶ A/67/370, para. 46.
- ¹¹⁷ Ibid., para. 47.
- ¹¹⁸ UNCT submission, p. 7.
- ¹¹⁹ Ibid., p. 8. See also A/65/391, para. 59.
- ¹²⁰ UNCT submission, p. 8.
- ¹²¹ UNESCO submission, para. 26.
- ¹²² UNCT submission, p. 8.
- ¹²³ Ibid., p. 9. See also UNESCO submission, paras. 15-18.
- ¹²⁴ A/66/343, para. 24.
- ¹²⁵ UNCT submission, p. 8.
- ¹²⁶ Ibid., p. 2.
- ¹²⁷ General Assembly resolution 67/181, para. 1 (a) (ix).
- ¹²⁸ A/67/370, para. 54.
- ¹²⁹ Ibid., para. 62.
- ¹³⁰ UNCT submission, p. 10.
- ¹³¹ A/HRC/13/47, para. 28.
- ¹³² A/67/370, para. 42.
- ¹³³ A/67/362, para. 62.
- ¹³⁴ UNCT submission, p. 10.
- ¹³⁵ Ibid., p. 11.
- ¹³⁶ Ibid.

¹³⁷ A/68/392, paras. 69-70.
